

Tuskegee: Mapping Voting Rights *An OSUN Case Study*

Executive Summary

What is the role of universities and student activism in the struggle for voting rights and access? How do the issues of civil rights and young people's voting rights intersect? What role is played by Historically Black Universities and Colleges (HBCUs)?

This case study, one of four sponsored by the Mellon Foundation, examines the history of Tuskegee University in Alabama and its long role in the struggle for civil rights and voting rights.

This study is based on the academic literature, original documents, oral histories, and legal findings, and original interviews with Lisa Bratton, associate professor of history at Tuskegee University; Yael Bromberg, constitutional rights attorney, legal scholar, and principal of Bromberg Law, LLC; Jelani Favors, distinguished professor of history at North Carolina Agricultural and Technical State University and director of the Center of Excellence for Social Justice; Fred Gray, senior partner in the law firm of Gray, Langford, Sapp, McGowan, Gray & Nathanson; and Guy Trammell, site director at Tuskegee Youth Safe Haven.

The case includes the following elements:

- [Video Case Study](#): "United We Stand: The Tuskegee Institute's Democratic Legacy"
- Written Case Study (this document)
- Original Documents in Exhibits (in appendix or on course landing page)

The case is a part of a larger project on student voting rights that focuses on the history of four institutions: Tuskegee University, Prairie View A&M University, North Carolina A&T State University, and Bard College. Materials for each of these cases, including written case studies, video case studies, recorded lectures, original materials, and the book *Youth Voting Rights: Civil Rights, the Twenty-Sixth Amendment, and the Fight for American Democracy on College Campuses* are available on the Bard College Center for Civic Engagement website at: <https://cce.bard.edu/get-involved/election/voting-rights/course/>.

Introduction: A Historic Decision

On the first day of the Supreme Court oral argument for *Gomillion v. Lightfoot*, attorney Fred Gray mounted a map of Tuskegee, Alabama, on an easel. At stake in that 1960 case was the new city

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boundaries for Tuskegee; the city's shape was transformed from a square into a 28-sided area that resembled a seahorse. The case's plaintiffs argued that the Alabama state legislature designed the new district with the "purpose and effect" of excluding Black voters from elections—thereby guaranteeing that Blacks would not be elected to any governmental body for the foreseeable future.

Leaning over to view the map, Supreme Court Justice Felix Frankfurter asked attorney Fred Gray a simple question: "Where is the Tuskegee Institute on that map?" It was among the first questions posed by the bench, an interruption of Gray's introductory remarks. When Gray pointed to an area on the map marked by heavy lines, Frankfurter was incredulous. "That's – that's now outside," Gray affirmed.¹

During two days of oral arguments, that map stayed on the easel—a constant reminder of how drawing district lines affects people's voting rights. That November, the Court ruled, 9 to 0, that the state of Alabama had denied Blacks' voting rights by excluding them from the city's voting precincts. The Court sent the case back to the U.S. District Court to determine the next steps to ensure the rights of Black voters would be represented fairly in elections.

Under a process called gerrymandering, legislative districts are drawn to give one side an electoral advantage over the other. The idea is simple: cut off distinct groups to prevent them from gaining full representation. Gerrymandering uses three major strategies:

- **Packing:** Concentrating racial, ethnic, religious, or economic groups into a limited number of districts. Packed into these districts, they are cut off from allies that would be able to create majorities in more districts.
- **Cracking:** Breaking up the population of distinct groups and dispersing them into different districts so they cannot exert much electoral power in any of those districts.
- **Snaking:** Creating majorities by combining like-minded groups in irregularly shaped districts. A salamander-shaped district in 19th-century Massachusetts, masterminded by Governor Elbridge Gerry, was responsible for the term gerrymander.

For decades, Blacks in Tuskegee had developed a robust community of middle-class professionals. Despite widespread discrimination, Blacks had registered hundreds of Black voters in a city of 6,000. As their numbers grew, Blacks sought to participate in local politics, but whites were determined to prevent Blacks from "taking over" the city, where they had lived and worked for generations, by excluding them altogether.

The *Gomillion* case presented just one of many battles over voting rights issues from the 1960s to the 2020s. Other battles concerned restrictions such as voter registration, access to polling places, vote purges, gerrymanders, and residency requirements.

The Tuskegee Model

Tuskegee, Alabama, was both typical and atypical of southern communities during the Jim Crow era.² It was typical in its widespread discrimination against Black people in voting, education, housing, and access to public accommodations like restaurants, pools, and libraries. It was atypical in its development of a critical mass of educated Black professionals, who, over time, asserted their basic rights. The major

¹ *Gomillion v. Lightfoot*, 364 U.S. 339 (1960), <https://supreme.justia.com/cases/federal/us/364/339/>.

² The term "Jim Crow" comes from an 1830s minstrel show, in which white actors wore Blackface to mock the intelligence and humanity of Black people in the South.

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reasons for this robust community were the Tuskegee Institute and the Veterans Administration (VA) Hospital.

Booker T. Washington was hired by the state of Alabama to create the Tuskegee Normal School for Colored Teachers in 1881, one of the nation's first Historically Black Colleges and Universities (HBCUs). Born into slavery in 1859, Washington became a national symbol of Black determination to thrive despite the system of repression across the U.S., especially in the Deep South. President Theodore Roosevelt hosted Washington at the White House in 1901.

The concept of the HBCU is simple: Under the Jim Crow system of racial segregation, Blacks were not allowed to attend white institutions. In *Plessy v. Ferguson* (1896), the Supreme Court ruled that Blacks could be denied equal access to schools and other institutions as long as they were offered "equal" opportunities elsewhere. Early HBCUs were primarily Protestant institutions; the Second Morrill Act of 1890 required segregated states to offer schools for Blacks in order to receive the Act's land-grant and other benefits.

Jelani Favors, distinguished professor of history at North Carolina Agricultural and Technical State University, notes the power of education to the Black community:

This notion of looking at education as a figurative Messiah, something that Black people could use to pull the levers of upward mobility, to move up in society, but more importantly, to empower Black youth with the ability to articulate their freedom dreams, to address the evils of white supremacy, to argue and to fight for civil rights—that's something that HBCUs have been about since the very beginning.³

Washington advised Blacks to work separately to develop their own knowledge and skills, create stable businesses and communities, and prove themselves worthy of full citizenship. "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress," he said.⁴ Separateness, in other words, was not all bad. In addition to starting the Institute, Washington was also a founder of the National Negro Business League in 1900. In his "Atlanta Compromise" speech of 1895, he said: "It is important and right that all privileges of the laws be ours, but it is vastly more important that we be prepared for the exercise of those privileges." And so, Washington also leveraged his donor network as President of Tuskegee to secretly pay for litigation to challenge Jim Crow.

The VA hospital came to Tuskegee after a long period of political jockeying. Tuskegee Institute donated the land for the facility. VA officials promised to hire Blacks for diverse roles, but the hospital's head announced he would hire Blacks only for low-level, menial jobs. United States President Warren Harding interceded to assure that Blacks would play leadership, managerial, and professional roles as well—which angered whites in town. Over time, the hospital played a critical role in building a Black middle class, while also alarming and angering the white ruling class.⁵

³ Jelani Favors, interviewed by Seamus Heady, July 18, 2023.

⁴ Bernice Tell, "'Separate Yet One': Booker T. Washington's Atlanta Compromise," February 19, 1996, Library of Congress, <https://www.loc.gov/loc/lcib/9603/booker.html>.

⁵ Robert J. Norrell, *Reaping the Whirlwind* (Knopf, 1985), 19-30.

A Beacon of Education and Civic Life: The Tuskegee Institute fulfilled its mission of educating generations of Blacks in trades as well as academic subjects. After Booker T. Washington stepped down as president in 1915, Robert Moton served for the next two decades. He expanded the campus, broadened the curriculum, and donated land to the VA for a new hospital. After Washington, the most famous Tuskegee figure was George Washington Carver, who won worldwide fame for his work as a botanist, not just for his agriculture innovations but also his faith and commitment to teaching.

The Tuskegee Institute created a work-study program for a wide range of trades for industrial and agricultural workers and later added humanities programs, as well as graduate programs. Alumni include author Ralph Ellison, civil rights leader Betty Shabazz, aerospace engineer Lonnie Johnson, musicians Teddy Wilson and Lionel Richie, insurance executive Charles Clinton Spaulding, and countless other leaders in politics, the military, business, and the arts.

Tuskegee played major roles in both triumph and tragedy in American history. During World War II, the Tuskegee Airmen formed the 332nd Fighter Group and the 477th Bombardment Group; as military fighter and bomber pilots and airmen, as well as support staff, they earned three distinguished unit citations for protecting white American bombers from enemy fighters. Tragically, Tuskegee was also the site of a wholesale violation of Blacks' rights: the "Tuskegee Study of Untreated Syphilis in the Negro Male," performed by the U.S. Public Health Service between 1932 and 1972, entailed the deliberate withholding of syphilis diagnoses from 400 Black. The men were thus left untreated and unaware of their considerable health risks and those of their loved ones.

Whatever its role in fostering a robust middle class, the Institute could not transform the economic opportunities of most Blacks locally in the area. During the Great Depression, Tuskegee and other Historically Black Colleges and Universities suffered. Revenues at these institutions fell 16 percent and donations fell 50 percent in the 1930s. Tuskegee President Frederick Patterson and other HBCU presidents created the United Negro College Fund to coordinate fundraising efforts.⁶

Evolution of the Tuskegee Model: Booker T. Washington trained students to play constructive roles within a racist system. By teaching both practical job skills and civic values, Tuskegee contributed to the growth of the Black middle class.

Over the years, students demanded greater control over their lives and schooling. They rebelled against the concept of *in loco parentis* (the college would act as parents to students—directing and disciplining them to achieve their full potential), and increasingly wanted their voices heard. With the rise of protests against segregation and discrimination in the 1950s and 1960s, Tuskegee students demanded both freedom to participate in off-campus activism and the opportunity to learn more about their struggle in classes about history, philosophy, politics, and sociology.

As was the case at other HBCUs, administrators at times encouraged student activism and other times asserted their own authority over campus affairs. This was a balancing act, for despite their avowed mission to raise an independent new generation, HBCU leaders also needed to gain support from state governments otherwise hostile to Blacks.

This balancing act also applied to Tuskegee President Booker T. Washington's approach to social change at the start of the century. Although his public persona focused on accommodation to the status quo and

⁶ Manning Marable, *Race, Reform, and Rebellion* (MacMillan, 1984), 15-16.

job readiness, behind the scenes, he leveraged his position as President of Tuskegee Institute, which secured him “access to major financial donors and enabled him to become the most politically influential black power broker the country had known.”⁷ He secretly “directed and raised funds for lawsuits that challenged Jim Crow: against railroad segregation, exclusion of blacks from jury pools, and other state discriminatory practices. . . Writing in code and swearing his contacts to secrecy lest his political viability with whites, including Northern contributors, be destroyed, Washington chose and paid for his friend and personal lawyer, Wilford H. Smith of New York City, to bring the *Giles* litigation” to secure voter access for Black Alabamians.

As explained by election law professor Rick Pildes, “*Giles* reveals Washington, not as the well-known accommodationist, and not even merely as an ironic example of DuBois’ ‘double consciousness,’ but as living out a split life in a way not uncommon for other black figures before the modern civil-rights era.”⁸

Race and Voting Rights in Alabama

Despite formidable barriers to voting, Blacks in Tuskegee were able to register to vote in greater numbers than Blacks in other communities across the South. In the 1950s, Blacks made up 40 percent of the city’s 1,000 registered voters.⁹ The Tuskegee Institute provided a strong base of educated and professional people in the city. In addition, the Institute offered a strong civic education—not just in the classroom, but in campus culture, what historian Jelani Favors calls the “second curriculum.”

Despite this commitment to voting and civic life, Blacks still faced discrimination in all aspects of electoral politics. The discrimination was evident in the 1901 Alabama State Constitution and laws. As one of its architects, John M. Knox noted, the State’s 1901 Constitution was designed to “establish white supremacy in the state.” The Constitution enacted a poll tax, a literacy test, and property requirements. The new constitution also allowed a whites-only primary and disqualified people who had been convicted of certain crimes. Until 1944, Alabama had white primaries, which banned Blacks from voting.

These “Jim Crow” state constitutions and laws swept the country, and led to a decline in the level of voting by Blacks. In 1900, more than 180,000 Black Alabamians registered to vote; just three years later, only 3,000 were registered.¹⁰ By 1930, only 30 Blacks were registered in Macon County, a district that “constituted one of the highest percentages of Black residents of any county in the nation. By 1940, 130 Blacks had registered to vote.¹¹

The Registration Process: The barriers to voting began with the operations of voter registration offices. The times and places for voter registration were publicized for white voters but not for Blacks

⁷ Richard H. Pildes, “Democracy, Anti-Democracy, and the Canon,” *Constitutional Commentary* 17 (2000): 304-305.

⁸ Pildes, 305.

⁹ Charles Hamilton, *Black Power: The Politics of Liberation* (Random House, 1992), 133.

¹⁰ *Alive and Well: Voter Suppression and Election Mismanagement In Alabama*, Southern Poverty Law Center, February 10, 2020, <https://www.splcenter.org/20200210/alive-and-well-voter-suppression-and-election-mismanagement-alabama>.

¹¹ Andray Domise, “Black Voters Saved Alabama—Despite Efforts to Keep Them Down,” *Macleans*, December 14, 2017, <https://macleans.ca/politics/washington/black-voters-saved-alabama-despite-efforts-to-keep-them-down/>.

voters. Offices were open at irregular times and not publicized. Blacks developed an informal network to share information on where they might be allowed to register, what officials were more fair, what questions were asked, and more.

Once they found a registration office, only two Blacks applicants were allowed in the office at a time; almost all applicants had to wait for hours to be considered.

All voters were required to take tests on literacy and knowledge of history and civics to qualify for the ballot. In reality, whites were usually ushered through the process quickly, always passing the tests. Blacks, meanwhile, were required to copy and interpret arcane passages from the State's Constitution. When their applications were rejected, officials did not tell them what questions or passages they supposedly got wrong.

Blacks were also required to bring a "voucher" from a white person when they registered to vote, attesting to the integrity of the person seeking to register. But these vouchers were limited, since no one could vouch for more than two people. Then, after completing applications, voting aspirants were required to provide a self-addressed stamped envelope so they could learn whether they had succeeded. But across the state, many did not receive their notices, so they did not know whether to follow up with a new application.

Resistance and the Battle Over Gerrymandering

No one personified the power of education at Tuskegee more than Dr. Charles Gomillion, dean of students at the Institute. Born in Johnston, South Carolina in 1900, Gomillion struggled to get more than three months of schooling a year before he left home for Paine College at the age of 16. After leaving school to care for his parents, he earned a college degree and started teaching at Tuskegee in 1928. As he established the sociology department at Tuskegee, he also served as dean of students, worked with Dr. Martin Luther King, Jr. and earned a Ph.D. at Ohio State University. Gomillion played a major role in the Tuskegee Men's Club, founded in 1910 to promote public services like drainage, sewers, and roads.

The Men's Club, rebranded as the Tuskegee Civic Association (TCA) in 1941, began admitting women and broadened its mission to focus on civic engagement. The TCA would study major political issues, gather and analyze data, and oversee "intelligent and courageous civic and political action." The TCA held education sessions and worked with the Black community to assert their rights to vote and participate fully in community life.

The work of the TCA was buttressed by other developments. From the time of the Civil War amendments (13th, 14th and 15th amendments—1865, 1868 and 1870 respectively) to 1957, Congress failed to pass any legislation to protect civil rights. Segregationists claimed that the federalist system gave states the right to run their communities as they saw fit, without federal interference. Democrats relied on Southern votes in national elections, so even liberals like Franklin Roosevelt did not push civil rights legislation. However, times were changing. In the aftermath of the *Brown v. Board of Education* decision (1954), which overturned the premise of separate but equal access to education, and the Montgomery Bus Boycott (1955-56), Congress passed the Civil Rights Act of 1957, which authorized the Justice Department to prosecute those who violated the right to vote and created the independent Civil Rights Commission. In 1957, Dr. Martin Luther King Jr. gave his famous "Give Us the Ballot" speech, in which he called out and called on Congress to take action to enfranchise Black Americans.

Alabama was changing too. Rosa Parks' actions led to the Montgomery bus boycott of 1955, which moved Dr. King to greater prominence. In 1956, Autherine Lucy integrated the University of Alabama. In Macon County, where Tuskegee is situated, there was also a major change. In 1948, Governor James E. Folsom appointed Herman Bentley to the County Board of Registrars, a period after which the number of Blacks registered quadrupled.¹² Bentley was removed when Folsom left office in 1951, but was reappointed when Folsom took office again in 1955. In 1954, a candidate for the Tuskegee Board of Education, Jessie P. Guzman, received more than 500 votes, and although she was not elected, it signaled that Black voters could impact local elections and disrupt the racial hierarchy. Overall, and with the constant pressure from the TCA, there was significant progress from the past in terms of voter registration efforts.¹³

By 1957, fears of growing political strength of Blacks turned into action to suppress the vote. That year, State Senator Samuel M. Engelhardt Jr., who had previously advocated for school segregation, pushed Local Law 140 through the State Senate and House, without debate or opposition, which gerrymandered the city of Tuskegee, converting a square into a 28 sided abomination that excluded all but 9 of the roughly 420 registered Black voters (and excluded no registered white voters).

The intent was clear. Engelhardt, who was active in the racist white Citizens Council whose campaign flier read: "I STAND FOR WHITE SUPREMACY SEGREGATION." Engelhardt did not hide his motivations. "I gerrymandered those n-----s right out of town," he boasted. "If the civil rights commission comes down and forces mass registration of unqualified Negroes, there'll be bloodshed. Why, we'd have n-----s in office. Can you imagine being arrested by a n----- sheriff?"¹⁴ Angered by challenges to the law, Engelhardt later introduced a state constitutional amendment that would allow the state to dissolve Macon County.

Gomillion summarized the situation as follows: "As the number of Negro voters approached 1,000 bills were introduced in the Alabama Legislature (1957) to gerrymander Tuskegee and to abolish Macon County. On July 13, 1957, Senate Bill No. 291 became law without the signature of Governor Folsom, thus gerrymandering Tuskegee so as to put outside of the city limits approximately 3,500 of 5,000 Negro residents, and approximately 400 of the 410 Negro voters."¹⁵

Boycott: Outraged by Local Law 140, Gomillion and the TCA began what would become a three-year boycott of white-owned businesses, called a "selective buying campaign" to skirt a state law against boycotts. Following the model of Montgomery's bus boycott of 1955-56, 3,000 Blacks met at Tuskegee's Butler Chapel AME Zion Church and agreed to boycott white businesses.

¹² Craig Holloway, *Collared Men: Ethnographic Essays on Navigating Race and Status in Everyday Live*, (PhD diss., Yale University Graduate School of Arts and Sciences, 2022), 88, https://elischolar.library.yale.edu/gsas_dissertations/607/.

¹³ *Report of the United States Commission on Civil Rights*, 1959, 76, <https://www2.law.umaryland.edu/marshall/usccr/documents/cr11959.pdf>.

¹⁴ *Black Citizens Boycott White Merchants for U.S. Voting Rights*, Global Nonviolent Action Database, <https://nvdatabase.swarthmore.edu/content/black-citizens-boycott-white-merchants-us-voting-rights-tuskegee-alabama-1957-1961>. Later, as the state's highway director from 1959 to 1963, Englhart coordinated projects to build interstates through Black neighborhoods.

¹⁵ C.G. Gomillion, "The Tuskegee Voting Story," *Clinical Sociology Review* 6, no. 1 (1988): 24.

At the time, Alabama formally banned boycotts. James Patterson, the state's attorney general, oversaw raids of the TCA to determine whether it violated the state's anti-boycott law. To avoid the ban, the activists called their boycott a campaign of "selective buying." As Dana Chandler, archivist at Tuskegee, noted: "Charles Gomillion came up with the idea that to buy from your friends ... which could have been white or Black businesses that supported them."¹⁶ A state court ruled the boycott legal, noting that the government cannot force people to buy goods and services.

Martin Luther King came to Tuskegee to encourage the boycotters. "You are not seeking to put the stores out of business," he said, "but to put justice in business."¹⁷ Sales at white-owned businesses fell 75 percent within weeks. By the end of the year, 100 businesses ceased operations.

At the same time, Tuskegee witnessed some of the first testimony of the U.S. Commission on Civil Rights, which had been established in the 1957 Civil Rights Act, and would go on to inform the development of the Voting Rights Act of 1965. In December of 1958, the commission took testimony in the Fifth Circuit Courtroom in Montgomery, Alabama, where it heard testimony from Black residents of the systemic hurdles which prevented a larger proportion of the Black population in Alabama from voting. Some particularly interesting testimony came from Tuskegee. The commission report noted that among those testifying who were denied the right to vote, all were literate, several served in the military veterans, ten were college graduates and six held doctoral degrees.¹⁸

In the early days, the TCA attracted 1,000 to 2,000 people to its mass meetings to "keep up the spirit of resistance." But over time, attendance declined. Tuskegee students acted to revive the boycott. After a march of 400 students downtown on February 27, 1960, the TCA again gained steam.

The activists said they would buy from any white business that opposed the gerrymandered city lines, but none did. The boycott boosted Black businesses but also drove white residents into the suburbs—a common response when big cities embraced civil rights.

Legal Action: *Gomillion v Lightfoot*. In 1958, Charles Gomillion and eleven other plaintiffs sued Tuskegee Mayor Philip Lightfoot and other local officials, charging that the gerrymandered city map violated the equal protection and due process clauses of the Fourteenth Amendment and the right to vote in the Fifteenth Amendment. Famed civil rights attorney Fred Gray and the NAACP Legal Defense filed a suit in federal court. The map at issue, an irregular 28-side shape, excluded nearly all Black voters from the new map, but disenfranchised no white voters.

In his long and distinguished career, Fred Gray was the attorney for Rosa Parks, Martin Luther King's Montgomery Improvement Association, and the NAACP. In the early 1970s, Gray represented victims of the Tuskegee Syphilis Study, achieving a successful settlement for \$10 million and medical treatment for the surviving 72 subjects of the original 399. King once described him as "the brilliant young Negro who later became the chief counsel for the protest movement."¹⁹

¹⁶ Dana Chandler, interviewed by Seamus Heady, April 10, 2024.

¹⁷ *Black Citizens Boycott White Merchants*, Global Nonviolent Action Database.

¹⁸ See *Report of the United States Commission on Civil Rights, 1959*, especially Part II on voting, 19-146. The commission's 1959 report underlined the problem to the Justice Department, which filed a complaint in federal court that finally elicited some cooperation.

¹⁹ Martin Luther King, Jr., *Stride Toward Freedom* (Ballantine Books, 1960), 41.

Federal District Judge Frank Johnson and the U.S. Circuit Court of Appeals refused to hear the *Gomillion* case on the grounds that courts ought to avoid the “political thicket.” A little over a decade earlier, the Supreme Court had held in *Colegrove v. Green* (1946) that redistricting challenges were nonjusticiable, that is, not within the power of courts to decide. The Court therein also referenced the *Giles* decision, wherein then-Tuskegee President Booker T. Washington secretly worked behind the scenes to unsuccessfully challenge voter restrictions in the 1901 Alabama state constitution. Despite this well-established anti-democratic precedent, Gray took on the legal challenge on behalf of Gomillion.

The Supreme Court agreed to review the case and heard arguments in October 1960. In a 9-to-0 decision, the Court unanimously ruled the gerrymandered city was a violation of Blacks’ rights of representation pursuant to the Fifteenth Amendment. Even though Blacks comprised a significant share of the city’s population, Local Law 140 would have prevented Blacks from gaining any representation in government.

In the arguments, Gray and his co-counsel argued that both the “purpose and effect” of Local Law 140 was to exclude Black voters from the district. Even if there had been an ostensible purpose for the new map, its effect was still to deprive Blacks of their rights. Against this backdrop, the Supreme Court noted that the “respondents have never suggested, either in their brief or in oral argument, any countervailing municipal function which Act 140 is designed to serve.” Had the new borders also excluded a few hundred whites as well as Blacks, or had some reasonable excuse been offered for the map, it may not have been held unconstitutional.

The *Gomillion* Victory: The Court agreed with Gomillion. The new district lines, the Court said, violated the Fifteenth Amendment, which gives the federal government the right to intervene to guarantee a “federally protected right.”

Gomillion was the first gerrymandering case the Supreme Court decided for the plaintiffs. The Supreme Court reasoned that the decisive facts in *Gomillion* are “wholly different” from those in *Colegrove* in 1946 which related to a “dilution of the strength of their votes” as opposed to “singl[ing] out a readily isolated segment of a racial minority for special discriminatory treatment.”

Gomillion provided a key precedent for *Baker v. Carr* (1962), a Tennessee case that established the principle of “one man, one vote” pursuant to the Fourteenth Amendment’s equal protection clause. Until *Baker*, rural populations often had as many as ten times as much representation in state and federal offices as urban populations. Districts were not strictly drawn to provide for equal populations; many maintained the same district lines for decades even in the face of major population shifts.

Gains in Tuskegee After *Gomillion v Lightfoot*: Even before the Voting Rights Act of 1965, which eliminated race-based barriers to voting, the number of registered Black voters increased. With a concentration of professionals in the university and medical center, hundreds of Blacks managed to work their way through the onerous voter registration process. By 1964, Blacks were a majority of the electorate in Macon County and a significant minority in Tuskegee.

The Macon County Democratic Group, founded by Gomillion, ran an integrated slate of candidates for key local offices. The mixed slate, Gomillion hoped, would “encourage whites elsewhere to be willing to appoint or elect qualified Negroes, even in places where Negroes were less numerous than in Macon County.” Two Blacks won seats on the county commission, another won the position of justice of the peace, and Gomillion himself won a seat on the school board. Two candidates also won positions on the

city council. Blacks were soon appointed to other positions in county and city government. Tuskegee had an integrated government for the first time since Reconstruction.

Post-Gomillion: A New Age of Activism in Tuskegee

After winning major victories—the Civil Rights Act of 1964 and the Voting Rights Act of 1965—the Civil Rights Movement shifted its focus.

Activists once believed that winning basic political rights would enable Blacks to make important gains in employment, education, and other fields. But enforcement of rights was intermittent and other issues rose including housing, poverty, community development, and the Vietnam War. At colleges across the U.S., including Tuskegee, students demanded greater freedom and a say in university policy. The Civil Rights Movement split between traditionalists like Gomillion and King and impatient young radicals who may not have fully appreciated what was happening behind the scenes while exerting an urgency for immediate change.

Radicalization and ‘Bloody Lowndes County’: Tuskegee Institute, long a bastion of Black conservatism, was transformed with two major events in the mid-1960s. With the support of their professors, Tuskegee students participated in a number of protests. As the Civil Rights Movement gave Tuskegee students a sense of empowerment, many grew angry at the way their parents and others were treated in sharecropping plantations where they worked.

Under the auspices of the Tuskegee Institute Advancement League, Tuskegee students held protests in Fort Deposit, a small town in Lowndes County, Alabama to protest the disrespect of storekeepers to their parents and other Black patrons. At one demonstration in August 1965, Tuskegee student Ruby Sales, a member of the Student Nonviolent Coordinating Committee (SNCC) was arrested and jailed with a young white divinity student named Jonathan Daniels. When they were released a week later, they approached a store where a state highway employee named Tom Coleman waited bearing a shotgun. When Coleman pointed his gun at Sales, Daniels pushed her out of the way and Coleman shot him. An all-white jury acquitted Coleman of all charges.

That incident was indicative of the atmosphere of terror in the area. After improper arrests the protesters were suddenly released without notice or a chance to call anyone for a ride. Sales had an eerie sense that they were being set up. The normally busy streets were quiet. And then they were confronted by the killer. This atmosphere was key to the system of racism and intimidation in many cities and towns before the civil rights movement.

The Sammy Younge Murder: One of Sales’s mentors was Samuel Younge, Jr. a fellow Tuskegee Institute student. Younge was a Navy veteran who had been part of the U.S. patrol during the Cuban Missile Crisis. After returning home, he got involved with SNCC, participating in the Selma march and the creation of the Mississippi Democratic Freedom Party. As a leader of the Tuskegee Institute Advancement League, a SNCC offshoot, he led efforts to desegregate restaurants and churches and helped Blacks seeking to register to vote.

In January 1966, after an altercation over the use of a gas station bathroom, a station attendant shot and killed Younge. In the murder trial, the attendant claimed that he was shooting only to scare Younge and had no intention to hit him. After an all-white jury acquitted the attendant, 700 Tuskegee students staged a protest march. During the four-hour march, demonstrators broke windows of some businesses, but

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there was otherwise no violence or arrests. Meanwhile, in Washington, D.C., demonstrators brought a mock coffin for Younge to a protest in front of the White House.

The Civil Rights Movement was changing the conservative culture at Tuskegee Institute. For all its history, Tuskegee enforced a strict code of conduct. For example, if students wanted to leave campus, they were required to check into and out of their dormitories. With protests both on and off campus, said Sales, “suddenly there were students at Tuskegee that you couldn’t control anymore.” The idea of “getting your parents’ permission to go downtown,” Sales said, was “just kind of impossible.”²⁰

Campus Protests in 1968: In April 1968, in the aftermath of Martin Luther King’s assassination, students at Tuskegee held their first major campus protest.

After years of petitioning to loosen rules governing student life, activists surrounded the administration building where the board of trustees met. The activists demanded reforms in curriculum, the creation of a Black studies program, the end to mandatory ROTC programs, and financial aid for athletes.

Alabama Governor Lurleen Wallace—wife of the notorious segregationist George Wallace, who had also served as governor and ran for president four times—sent National Guard officers bearing rifles and bayonets to Tuskegee. When a Tuskegee official asked the guardsmen to back off, a soldier responded: “You all at Tuskegee have been too uppity for a long time.”²¹ With the threat of violence, the administration closed the institute and required students to reapply for admission to weed out the “troublemakers.” But soon the two sides negotiated an agreement that met most of the student demands.

Modern-Day Voting Issues

For decades, the Voting Rights Act (VRA) of 1965 opened opportunities for Blacks to vote and elect their own to public office, in Alabama and across the U.S. The Voting Rights Act of 1965 banned literacy tests and other mechanisms that state and local governments had used to prevent Blacks from registering and voting. The law also required states with a history of voting rights restrictions to get Justice Department approval (known as “preclearance”) before they could change their voting laws.

The VRA transformed American politics. For the first time in American history, states and cities were banned from imposing discriminatory voting restrictions. The U.S. evolved from a nation that allowed only white, male property-holders to vote to a nation that granted the franchise to all citizens over the age of 21.

After the VRA, the number of Black voters and Black elected officials boomed. In just three years from 1965 to 1967, the percentage of eligible black voters increased from 6.7 to 59.8.²² The number of elected

²⁰ Barbara Harris Combs, *From Selma to Montgomery* (Taylor and Francis, 2013), 84.

²¹ Brian Jones, “The 1968 Tuskegee Student Uprising and the Moral Force of the Black University,” *Chronicle of Higher Education*, November 3, 2022, <https://www.chronicle.com/article/the-moral-force-of-the-black-university>.

²² German Lopez, “How the Voting Rights Act Transformed Black Voting Rights in the South, in One Chart” *Vox*, August 6, 2015, <https://www.vox.com/2015/3/6/8163229/voting-rights-act-1965>.

officials in the South increased from 200 in the late 1960s to 700 in 2015.²³ In the Deep South, the numbers were more extreme. In Alabama, for example, the number of black elected officials has grown from 86 in 1970 to 757 in 2015.²⁴ Politicians like Alabama Governor George Wallace, who loudly proclaimed “segregation today, segregation tomorrow, segregation forever” and called the civil rights cause a “communist and northern plot” against Dixie, began to court Black voters. Within a decade, the two parties swapped key voting blocs. Southern segregationists and other conservatives moved into the Republican Party and Blacks embraced the once-racist Democratic Party.

At the same time, Blacks and other minorities were growing in size and influence. By 2020, 40 percent of the U.S. identified as non-white. From 2010 to 2020, the U.S. population grew by 19.5 million people, a 6.3 percent increase. The white population actually declined, while Hispanic, Asian American, and Black populations grew by rates of 20, 29, and 8.5 percent, respectively.²⁵

The VRA is not a permanent law; Congress must reauthorize it every five years. Between its reauthorizations in 1982 and 2006, the Department of Justice (DOJ) blocked 700 proposed laws and regulations because it judged that they would limit Blacks’ access to the ballot. In Alabama, the DOJ blocked more than 100 such laws and regulations between 1969 and 2008.²⁶

The *Shelby* Earthquake: As these trends shook up the political debate, the Supreme Court’s 2013 *Shelby v. Holder* decision weakened the enforcement provisions of the Voting Rights Act of 1965. Since its enactment, the VRA required states and localities with histories of racial discrimination to get Department of Justice approval to changes in election laws. The Court declared that provision unconstitutional, stating that Black empowerment had rendered it unnecessary.

Instantly, states and localities, especially in the South, enacted new laws to restrict voting rights. Seventeen states passed voting restrictions before the 2016 election. Those states accounted for 189 Electoral College votes with a population of 100 million people. In Alabama voter repression took the following forms:

- **Strict voter ID law:** On the day the *Shelby* decision was issued, Alabama announced the implementation of a 2011 law (until then paused because it was not cleared by the DOJ) that requires voters to present a photo ID at polling places. A federal judge in 2018 rejected a challenge to the law even though minorities were disproportionately affected. “Even though Black and Latino registered voters are almost twice as likely as white voters to lack an acceptable photo ID, no one is prevented from voting,” the judge said in his decision. Studies indicate that 250,000 Alabama residents do not have the ID they need to vote.

²³ Khalilah Brown-Dean, Zoltan Hajnal, Christina Rivers, and Ismail White, *Fifty Years of the Voting Rights Act*, Joint Center for Political and Economic Studies, 2015, 26, <https://jointcenter.org/wp-content/uploads/2019/11/VRA-report-3.5.15-1130-amupdated.pdf>.

²⁴ Brown-Dean et al., 27.

²⁵ William H. Frey, “The Nation is Diversifying Even Faster Than Predicted, According to New Census Data,” Brookings Institution, July 1, 2020, <https://www.brookings.edu/articles/new-census-data-shows-the-nation-is-diversifying-even-faster-than-predicted/>.

²⁶ *Alive and Well*, Southern Poverty Law Center, <https://www.splcenter.org/resources/reports/alive-and-well-voter-suppression-and-election-mismanagement-alabama/>.

■ **Closure of motor vehicle offices:** Alabama closed 31 of 67 Department of Motor Vehicles (DMV) offices, where many voters register to vote. A majority of the closed offices serve minority communities. Officials attribute the closings to cost considerations, but a disproportionate share are in Black and minority communities.²⁷ Due to the immediate statewide and national outcry in response to these closures, the Governor partially clawed back the restrictions a month later, allowing those offices to be reopened for one day per month. A subsequent state probe later doubled or tripled the hours that those Black Belt offices are open.

■ **Closure of polling places:** Also under the guise of fiscal prudence, local officials closed 96 polling places in 25 counties before the 2018 election, impacting Black communities and college campuses.²⁸

■ **Purging of voter rolls:** In a state with 3.5 million registered voters, a total of 1.4 million voters were removed from the rolls from 2015 to 2022.²⁹ Blacks and students were affected disproportionately in these purges. Before a 2022 federal court decision, officials often refused to share voter records, making it hard for voters to determine whether their registration was up to date.³⁰

■ **Uncertainty over the voting rights of ex-convicts:** Alabama requires residents convicted of crimes for “moral turpitude” to complete their prison sentence and parole and pay all fines, fees, and restitution relating to their offense, in order to have their right to vote restored. The process may sound simple, but it requires technical knowledge (e.g., legal designations of “offenses”) and logistical skills (e.g., working the bureaucratic process). The requirement to pay fines and fees before registering arguably violates the 24th Amendment’s ban on poll taxes. Furthermore, until 2017, crimes of moral turpitude were not clearly defined or publicized (see the complete list at <https://www.sos.alabama.gov/sites/default/files/voter-pdfs/Updated%20Version%20of%20Moral%20Turpitude%20Crimes.pdf>).

■ **Gerrymandered districts:** After the 2020 Census, the Republican legislature created one predominantly Black district out of its seven congressional seats—which, in turn, dispersed the Black population among four other congressional districts. Evan Milligan of Alabama Forward charged that the map limited districts in which Black voters could elect their chosen candidates, in violation of Section 2 of the Voting Rights Act. Blacks comprised 27 percent of the state population but were represented in just one of seven seats (14 percent).

A three-judge district court agreed with the challengers and granted a preliminary injunction that ordered the state to draw a new map. Alabama appealed to the U.S. Supreme Court. In *Allen v. Milligan*

²⁷ Susan Watson, “Alabama’s DMV Shutdown Has Everything to Do with Race,” American Civil Liberties Union, October 8, 2015, <https://www.aclu.org/news/voting-rights/alabamas-dmv-shutdown-has-everything-do-race>.

²⁸ Mary Sell, “In Some Counties, Alabama Voters Have Lost a Quarter of Their Polling Places Since 2010,” *Birmingham Watch*, November 2, 2018, <https://birminghamwatch.org/counties-alabama-voters-lost-quarter-polling-places-since-2010/>.

²⁹ Nolan Crane, “Alabama Voter Registration Purge,” WAFF-48, March 30, 2022, <https://www.waff.com/2022/03/30/alabama-voter-registration-purge/>.

³⁰ Mannal Haddad, “Victory! Court Rules Alabama Must Hand Over Voter Purge Records,” Campaign Legal Center, October 19, 2022, <https://campaignlegal.org/update/victory-court-rules-alabama-must-hand-over-voter-purge-records-2>.

(2023), the Court ruled that the law required that Blacks deserved two seats. Under Section 2 of the VRA, the plaintiffs did not need to prove racial animus or discriminatory intent, only that the outcome violated the Constitution.

• **The Covid Election:** During the COVID pandemic in 2020, states liberalized opportunities to vote by mail. But President Donald Trump complained that easier voting procedures were prone to fraud and urged Republican allies in so-called “red” states against providing opportunities for early and remote voting. Following his lead, some Republican states set severe restrictions on mail-in ballots. Alabama did not provide drop boxes in the 2020 election.

Voting Rights, Activism, and the Law

With a new round of voting barriers came a new round of political activism. As is often the case in battles over fairness and discrimination, young people were poised to play a pivotal role. In the early years of the 21st century, young people registered in larger numbers. Obama’s elections (2008 and 2012), the blue wave after Trump’s victory (2018), and Biden’s defeat of Trump (2020) all activated young and Black voters.

The challenge for Democrats and Republicans centers on voter registration. Whoever registers the most voters—or dampens the participation of the other side—would win.

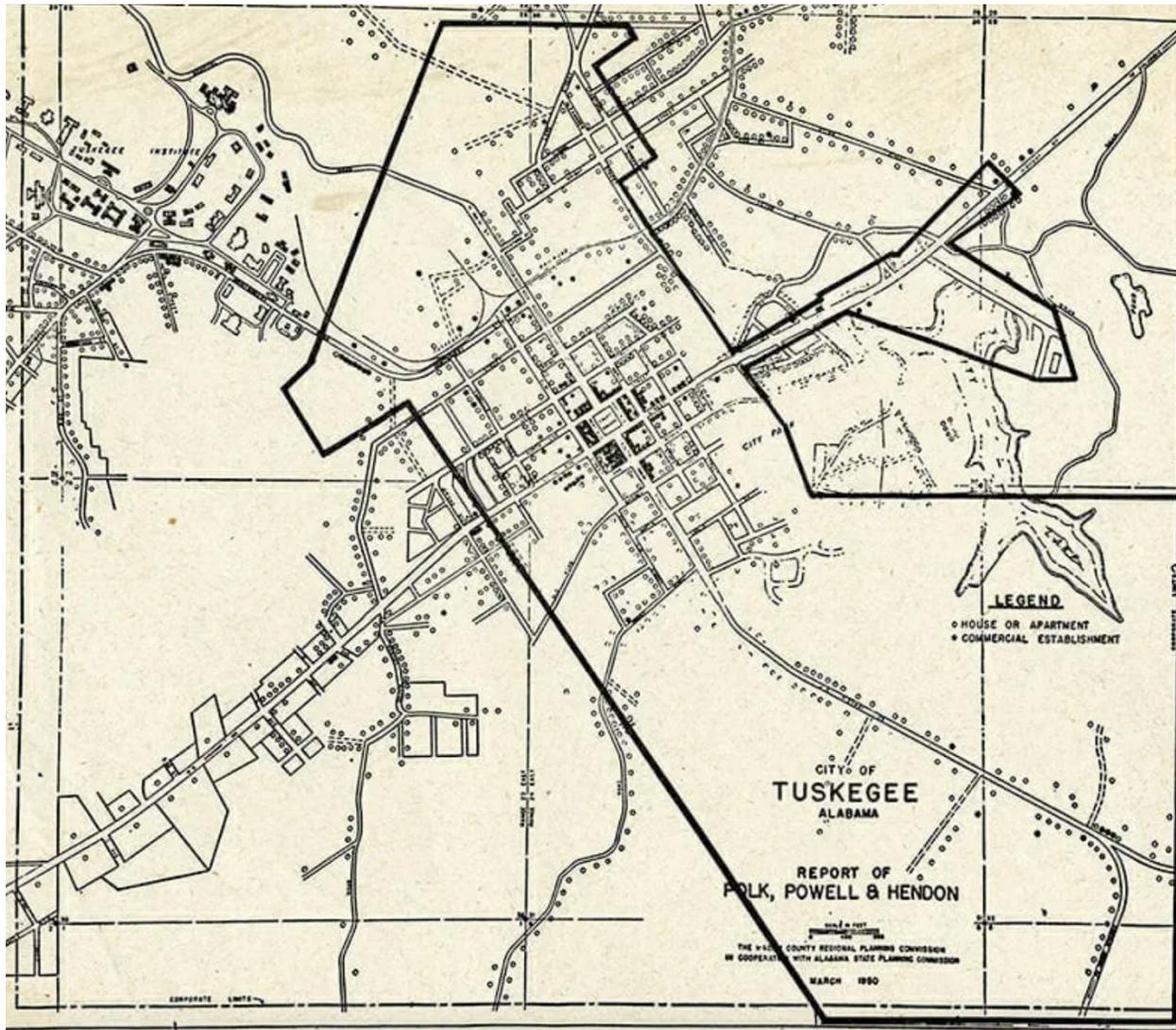
Questions for Discussion

1. What does the Tuskegee story tell about the importance of civic institutions and their leaders — colleges, schools, churches, civic groups—in holding communities together and pressing for reform?
2. How can political activism pave the way for legal action? How do activists define issues and raise awareness to the point that a clear legal conflict might emerge?
3. What does the Tuskegee *Gomillion* case represent in terms of the history of disenfranchisement of Blacks in the United States and the emergence of the Civil Rights Movement?
4. What role do young people play in the process of political reform? In what ways do students’ youth and itinerancy undermine their political power—and in what ways do they enhance their political power?
5. How can universities like Tuskegee help students gain the understanding and experience to play leadership roles in the great political battles of their time?

ANNEX A – ORIGINAL DOCUMENTS

Exhibit 1: The Map at Issue in the *Gomillion Case*³¹

At issue in the landmark *Gomillion v. Lightfoot* case was a 28-sided boundary for the city of Tuskegee. The entire area of the square comprised the City prior to Act 140. The irregular Black-border figure within the square represents the post-enactment city.



³¹ The map seen here is the one used in *Gomillion v. Lightfoot*. Copies of the original map in *Gomillion v. Lightfoot* are held in the Tuskegee University Archives.

Exhibit 2 – Historic Marker



Exhibit 3: Timeline of Voting Rights Events in Tuskegee

- 1881—Booker T. Washington creates the Tuskegee Institute. One of Tuskegee’s most prominent professors will be George Washington Carver.
- 1901—Alabama adopts a new state constitution with provisions explicitly designed to suppress Black participation in elections.
- 1932-1972—Tuskegee is the site of an infamous study of syphilis among 400 Black men.
- 1941—Founding of Tuskegee Civic Association. The TCA educates Blacks on how to register to vote.
- 1941-1946—Tuskegee Airmen—the 332nd Fighter Group and the 477th Bombardment Group of the United States Army Air Forces (USAAF)—led heroic missions in World War II.
- 1954—In *Brown v. Board of Education*, the U.S. Supreme Court overturns *Plessy v. Ferguson* and rules that American school children have the constitutional right to an integrated education.
- 1957—The Alabama legislature passes Local Law 140. Introduced by Samuel M. Engelhardt Jr., the law creates a 28-sided city boundary with only ten Black voters and excludes 420 Black voters.
- 1957—Lyndon Johnson signs the Civil Rights Act of 1957, which establishes the U.S. Civil Rights Commission and Office of Civil Rights in the division of U.S. Justice Department, with the power to investigate civil rights violations.
- 1957—Blacks in Tuskegee and environs protest Local Law 140. The first protest meeting is chaired by Charles Gomillion (June 25). The meeting rallies behind a boycott movement, dubbed “Trade With Your Friends.” The boycott lasts for four years, until February 1961. In response to the

boycott, Engelhardt introduces a constitutional measure to dissolve Macon County. Alabama Attorney General John Patterson initiates surprise raids of the TCA, then issues an injunction claiming TCA violated state bans on boycotts.

1958—In a January 1958 trial, Judge Will O. Walton lifts the injunction, ruling the attorney general failed to prove allegations.

1958—In August, 11 Black plaintiffs join Charles Gomillion in a lawsuit against Tuskegee Mayor Philip Lightfoot, arguing that the state's gerrymandering violates the 14th Amendment rights of Black citizens.

1960— U.S. district and circuit courts uphold the constitutionality of Local Law 140.

1960—The U.S. Supreme Court overturns two lower court decisions in *Gomillion*, ruling that gerrymandering was racially motivated and in violation of the 15th Amendment. The case is remanded and Judge Frank Johnson enforces the ruling.

1964—the arguments of the *Gomillion* case are cited in *Baker v. Carr*, the landmark "one man, one vote" Supreme Court decision.

1963—Just as Tuskegee High School is about to be integrated (September 3), Governor George Wallace orders the school closed. After President John Kennedy federalizes the National Guard, Blacks are allowed to enroll in schools (September 10 and 13).

1964—In a groundbreaking election, Tuskegee voters elect two Blacks to city offices, as part of a moderate strategy devised by Gomillion.

1968—Students at Tuskegee Institute (April 6) surround the campus building where the institute's board of trustees is meeting. Student grievances include compulsory ROTC participation, financial aid to athletes, Black studies department, and the right to see syllabi before the semester begins.

Tuskegee initially closes its campus but soon agreed to most demands.

1973—Johnny Ford is elected the first Black mayor of Tuskegee.

2000—Lucenda Williams Dunn is elected the first Black woman mayor of Tuskegee.

2008—Barack Obama's election as president sparks new nationwide backlash against the mobilization of minorities and young people.

2023—Tuskegee is a party to *Allen v. Milligan*, a new gerrymandering case.

Exhibit 4: Early 21-century state constitutions

1889: Florida adopted a poll tax as a prerequisite for voting and set up a system of confusing "multiple" ballot boxes. (The latter statute was repealed in 1895.)

1890 Mississippi Constitution:

1. Increased the residence requirement to two years for the state and one year for the election district.
2. Instituted the payment of a poll tax as a prerequisite for voting.
3. Required that registration must be completed four months before an election.
4. Instituted a literacy or "understanding" requirement.
5. Specified crimes for which conviction could cause disqualification at the polls.

1890 Tennessee Constitution: Adopted payment of a poll tax as a voting prerequisite

1893 Arkansas Constitution: Adopted payment of a poll tax as a voting prerequisite.

1895 South Carolina Constitution:

1. Required a poll tax as a prerequisite of voting.
2. Required that all assessed taxes must be paid up.

3. Instituted disqualifications for certain criminal convictions.
4. Made a property qualification an alternative to the literacy requirement.

1898 Louisiana Constitution:

1. Provided for a poll tax and required that the receipt for payment be shown by the voter.
2. Made a property test the alternative for a literacy test.
3. Instituted the "grandfather clause," which qualified as voters those who could vote in 1867 or the descendants of such persons, providing they registered within a year as permanent voters.

1901 Alabama Constitution:

1. A poll tax as a prerequisite of voting.
2. Criminal disqualifications.
3. Property qualifications as an alternative to a literacy qualification.

1902 North Carolina:

1. Instituted a "grandfather clause," an educational requirement, and poll tax as a prerequisite of voting.
2. Extended the residence requirement.

1902 Virginia Constitution:

1. Provided for a poll tax as a prerequisite of voting.
2. Instituted a literacy test and a "grandfather clause."

1902 Texas: Adopted a poll tax as a prerequisite of voting. 1908 Georgia: Which had a poll tax as early as 1877, added a literacy requirement.

Exhibit 5: Barriers to Voting³²

At the time of the *Gomillion* case, Blacks faced a number of barriers to registration and voting. Charles G. Gomillion outlined those barriers in Summer 1962:

1. Requiring Negroes and whites to register in separate rooms and in separate parts of the Macon County Courthouse.
2. Registrars frequently reporting for work late and leaving early, thus reducing the number of hours available to Negro applicants.
3. Permitting only two Negro applicants in the registration room at the same time.
4. Requiring Negro applicants to read and transcribe articles from the Constitution of the United States, in addition to filling out the voter registration questionnaire.
5. Conversing with applicants as they write, which disturbs them, and stimulates making errors.
6. Permitting a Negro voter to vouch for only two applicants per year.
7. Preventing some Negroes from vouching for any applicant.
8. Failing to issue certificates of registration to Negroes immediately upon the successful completion of the requirements for registration.
9. Failing to inform unsuccessful applicants of their failures to fulfill the requirements for registration.
10. Failing to work on many registration days.
11. Resigning from the Board in order not to register Negroes.

³² C.G. Gomillion, "*The Tuskegee Voting Story*," 24.

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12. Refusing to appoint any Negro to serve on city or county government committees or agencies.
13. Enacting legislation which permits Board of Registrars to use twelve of their working days for clerical work only, and in even years to use up to twenty additional days in the precincts away from the courthouse.
14. Gerrymandering the city of Tuskegee in such a manner as to eliminate from residence in the city 400 of its 410 Negro voters. (Not a single white voter was removed from the city.)